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(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. YOUNG of Alaska (for himself and Mr. MICA) introduced the following bill;
which was referred to the Committee on _____

A BILL

To amend title 49, United States Code, to permit air carriers
to meet and discuss their schedules in order to reduce
flight delays, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SCHEDULING COMMITTEES, DISCUSSIONS, AND**
2 **AGREEMENTS.**

3 (a) IN GENERAL.—Chapter 401 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 40129. Air carrier discussions of and agreements**
7 **relating to flight scheduling**

8 “(a) DISCUSSIONS TO REDUCE DELAYS.—

9 “(1) REQUEST.—An air carrier may file with
10 the Secretary of Transportation a request for au-
11 thority to discuss with one or more other air carriers
12 or foreign air carriers agreements or cooperative ar-
13 rangements relating to limiting flights at an airport
14 during a time period that the Secretary determines
15 that scheduled air transportation exceeds the capac-
16 ity of the airport. The purpose of the discussion
17 shall be to reduce delays at the airport during such
18 time period.

19 “(2) APPROVAL.—The Secretary shall approve
20 a request filed under this subsection if the Secretary
21 finds that the discussions requested will facilitate
22 voluntary adjustments in air carrier schedules that
23 could lead to a substantial reduction in travel delays
24 and improvement of air transportation service to the
25 public. The Secretary may impose such terms and
26 conditions to an approval under this subsection as

1 the Secretary determines are necessary to protect
2 the public interest and to carry out the objectives of
3 this subsection.

4 “(3) NOTICE.—Before a discussion may be held
5 under this subsection, the Secretary shall provide at
6 least 3 days notice of the proposed discussion to all
7 air carriers and foreign air carriers that are pro-
8 viding service to the airport that will be the subject
9 of such discussion.

10 “(4) MONITORING.—The Secretary or a rep-
11 resentative of the Secretary shall attend and monitor
12 any discussion or other effort to enter into an agree-
13 ment or cooperative arrangement under this sub-
14 section.

15 “(5) DISCUSSIONS OPEN TO PUBLIC.—A discus-
16 sion held under this subsection shall be open to the
17 public.

18 “(b) AGREEMENTS.—

19 “(1) REQUEST.—An air carrier may file with
20 the Secretary a request for approval of an agree-
21 ment or cooperative arrangement relating to inter-
22 state air transportation, and any modification of
23 such an agreement or arrangement, reached as a re-
24 sult of a discussion held under subsection (a).

1 “(2) APPROVAL.—The Secretary shall approve
2 an agreement, arrangement, or modification for
3 which a request is filed under this subsection if the
4 Secretary finds that the agreement, arrangement, or
5 modification is not adverse to the public interest and
6 is necessary to reduce air travel delays and that a
7 substantial reduction in such delays cannot be
8 achieved by any other immediately available means.

9 “(c) LIMITATIONS.—

10 “(1) RATES, FARES, CHARGES, AND IN-FLIGHT
11 SERVICES.—The participants in a discussion ap-
12 proved under subsection (a) may not discuss or
13 enter into an agreement or cooperative arrangement
14 regarding rates, fares, charges, or in-flight services.

15 “(2) CITY PAIRS.—The participants in a discus-
16 sion approved under subsection (a) may not discuss
17 particular city pairs or submit to another air carrier
18 or foreign air carrier information concerning their
19 proposed service or schedules in a fashion that indi-
20 cates the city pairs involved.

21 “(d) TERMINATION.—This section shall cease to be
22 in effect after September 30, 2003; except that an agree-
23 ment, cooperative arrangement, or modification approved
24 by the Secretary in accordance with this section may con-

1 tinue in effect after such date at the discretion of the Sec-
2 retary.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
4 such chapter is amended by adding at the end the fol-
5 lowing:

“40129. Air carrier discussions and agreements relating to flight scheduling.”.

6 **SEC. 2. LIMITED EXEMPTION FROM ANTITRUST LAWS.**

7 Section 41308 of title 49, United States Code, is
8 amended—

9 (1) in subsection (b) by striking “41309” and
10 inserting “40129, 41309,”; and

11 (2) in subsection (c)—

12 (A) by inserting “40129 or” before
13 “41309” the first place it appears; and

14 (B) by striking “41309(b)(1),” and insert-
15 ing “40129(b) or “41309(b)(1), as the case
16 may be,”.